

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Eugene Westmoreland,)	
)	
<i>Plaintiff,</i>)	
)	23-cv-1851
-vs-)	
)	Judge Tharp, Jr.
Thomas Dart, Sheriff of Cook)	
County, and Cook County, Illinois,)	
)	
)	
<i>Defendants.</i>)	

**PLAINTIFF'S OPPOSED MOTION FOR EXTENSION OF TIME TO REPLY
TO CLASS CERTIFICATION**

Plaintiff Eugene Westmoreland, by counsel, moves the Court for an extension of time to reply to his motion for class certification.

Grounds for this motion are as follows:

1. Plaintiff contends the ramps in the lower level of the Cook County Jail's Residential Treatment Unit (RTU) violate the ADA structural standards. The plaintiff seeks to represent a class of wheelchair-users under Rules 23(b)(2) and (b)(3) of the Federal Rules of Civil Procedure.
2. The Court set August 2, 2023, as the deadline for plaintiff to reply to the motion for class certification. Dkt. 21, Minute entry.
3. On May 30, 2023, plaintiff issued written discovery (interrogatories and a request for production) to defendants pertaining to class issues.¹ Plaintiff also issued a request to inspect the RTU ramps on May 30, 2023.

¹ Plaintiff's counsel agreed to provide defendants approximately 30 additional days to respond to this discovery.

4. On July 21, defendants objected to nearly all of plaintiff's written discovery.

5. With the assistance of Magistrate Judge Gilbert, an order was entered on July 28 directing the Sheriff to permit the ramp inspection. Dkt. 34, Minute entry. Plaintiff's counsel expects this inspection will be completed in the next three weeks.

6. Magistrate Judge Gilbert also overruled defendants' objections to producing documents pertaining to the class issues and defendants' objections to responding to interrogatories seeking class discovery. Although plaintiff expects this discovery will be amended by August 4, Magistrate Judge Gilbert allowed the parties to adjust this date based on mutual agreement. See Dkt. 34, Minute entry.

7. Based on Magistrate Judge Gilbert's discovery order entered July 28, plaintiff's counsel requests an extension of time to file his reply brief to September 8, 2023.

8. Defense counsel represented in an e-mail on July 27, that defendants object to plaintiff's request to extend the deadline to file his reply.

It is therefore respectfully requested that the Court extend the date to reply to class certification to September 8, 2023.

Respectfully submitted,

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